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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,124	02/18/2005	Naoji Yamaoka	CSP-109-A	2957
21828 7590 04/28/2008 CARRIER BLACKMAN AND ASSOCIATES 24101 NOVI ROAD SUITE 100 NOVI, MI 48375			EXAMINER KERN, KEVIN P	
			ART UNIT	PAPER NUMBER
			1793	
			NOTIFICATION DATE	DELIVERY MODE
			04/28/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/525,124	<b>Applicant(s)</b> YAMAOKA ET AL.	
	<b>Examiner</b> Kevin P. Kerns	<b>Art Unit</b> 1793	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/18/05, 5/30/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicants' election with traverse of Group I (claims 1-4 and 13-16) in the reply filed on February 12, 2008 is acknowledged. The traversal is on the ground(s) that the three groups of inventions having a common "special technical feature", as well as the search burden for all three inventions, allegedly would not place an additional burden on the examiner. This is not found persuasive because Group III includes claim 6, for which an additional search burden would be required (search required not only in class 228, but also in classes 219, 29, and 269), due to the "plurality of attachments" having a similar structure that would not necessarily have to be used for clamping a fuel tank. Instead, the "plurality of attachments" would be for use in general clamping of a variety of objects. Regarding Group II (which includes claim 5), an additional search would be required for a "controller" with its multiple functions, as claimed in claim 5. Finally, the plurality of attachments of Group III are either obvious over or anticipated by JP 59-110182 U and JP 61-162389 U, as well as other references that only require a "welding jig comprising a plurality of attachments" (the structural limitations of claim 6 in the absence of the "intended use" limitations used throughout the claim). Accordingly, the "plurality of attachments" do not provide a contribution over the prior art, and no single general inventive concept exists.

The requirement is still deemed proper and is therefore made FINAL.

***Drawings***

2. Figure 15 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because all 8 instances of "CYLINER" should be changed to "CYLINDER" in Figure 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

“Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 59-110182U in view of JP 61-162389U (both references are cited in the IDS of

May 30, 2006 – in addition, partial translations of both Japanese documents are provided with this Office Action).

JP 59-110182U discloses a method for welding a motorcycle fuel tank, in which the method includes the steps of providing a plurality of attachments (support members 7-1,7-2,7-3,7-4 mounted on arms having resilient bodies in the form of respective pressing members 8, springs 9, and stoppers 10) into abutting engagement with the fuel tank (workpieces W1,W2 having outer and inner side panels to be engaged by the attachments and subsequently welded) to hold the fuel tank (W1,W2) in place; welding the fuel tank (W1,W2) to form a weld butt-joint W3 (welded spot that moves along a welding line); and after welding, bringing the attachments (7-1,7-2,7-3,7-4) out of abutting engagement with the fuel tank (W1,W2) in an order in which the attachments (7-1,7-2,7-3,7-4) would be welded (page 3, line 15 through page 4, line 2 provided with the IDS of May 30, 2006; page 2 of translation provided with this Office Action; and Figures 1-3). JP 59-110182U does not specifically disclose the use of opening/closing mechanisms (arms) for use in welding a seamless fuel tank and for gripping into the fuel inlet of the fuel tank.

However, JP 61-162389U discloses a clamping apparatus for use in engaging a seamless fuel tank, in which the clamping apparatus includes an action arm 1 of a robot that holds a clamping jig 7 that engages the fuel tank 5; elastic members 8 that serve as an opening/closing mechanism arm that holds the fuel tank via suckers 9 (e.g. suction cups) on each arm, such that the clamping jig 7 engages the fuel inlet 6 of the fuel tank 5, such that these features are advantageous for holding the fuel tank in a triangular

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manner via the fuel inlet and both side surfaces, thus maintaining accurate positioning of the fuel tank (page 3, lines 5-18 provided with the IDS of May 30, 2006; page 2 of translation provided with this Office Action; and Figures 1-3).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to modify the method for welding a motorcycle fuel tank via providing a plurality of attachments, as disclosed by JP 59-110182U, by using the opening/closing mechanisms and gripping of the fuel inlet of the fuel tank, as taught by JP 61-162389U, in order to hold the fuel tank in a triangular manner via the fuel inlet and both side surfaces, thus maintaining accurate positioning of the fuel tank (JP 61-162389U; page 2 of translation).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571)272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin P. Kerns  
Primary Examiner  
Art Unit 1793

/Kevin P. Kerns/  
Primary Examiner, Art Unit 1793  
April 23, 2008